IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

Bail Appl..No. 7390 of 2007()

CRIME 350/07 OF PAYYOLI POLICE STATION

: PETITIONER/5TH ACCUSED

SURESH A.V,AGED 22 YEARS
S/O.KUNHIKRISHNAN, AYYANTE VALAPPIL,
MELADI AMSOM DESOM,KOYILANDI TALUK
KOZHIKODE DISTRICT.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)

RESPONDENTS: COMPLAINANT & STATE

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1. SUB INSEPCTOR OF POLICE
PAYYOLI POLICE STATION
KOZHIKODE DISTRICT.

2. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.V.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7390 OF 2007 A

Dated this the 3rd day of December, 2007

O R D E R

Application for anticipatory bail. The petitioner is the 5th accused. Altogether there are 12 accused persons. The petitioner is not named in the FIR. Four persons are named in the FIR. The crux of the allegations is that the accused persons who formed themselves into an unlawful assembly with their common object, allegedly attacked the police party who had come to the scene of the crime on getting information about the crime. The police party was attacked. Injuries were caused to the police officials. They were deterred from performing their official duty. The petitioner has been brought on the array of accused later. The learned counsel for the petitioner submits that the petitioner is innocent. The petitioner was arrayed only when he had gone to the police station to enquire about the arrested accused persons, it is submitted.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I

am satisfied that the petitioner can be granted anticipatory bail subject to appropriate terms and conditions.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 10.12.2007. He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 1 p.m on 11.12.2007 and 12.12.2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month and subsequently as and when directed by the investigating officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest

the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(iv) If he were arrested prior to 10.12.2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 10.12.2007.

(R.BASANT, JUDGE)

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